

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 448

**FISCAL
NOTE**

BY SENATOR TRUMP

[Introduced January 20, 2022; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend and reenact §15-14-6 and §15-14-9 of the Code of West Virginia, 1931, as
2 amended, relating to clarifying that the Statewide Interoperability Executive Committee is
3 responsible to develop, update, and implement policies regarding the Statewide
4 Interoperable Radio Network; allowing the Statewide Interoperability Executive Committee
5 to revoke, suspend, or modify an entity's use of the Statewide Interoperable Radio
6 Network or equipment connected thereto; directing the Statewide Interoperability
7 Executive Committee to provide guidance and services to any radio previously connected
8 to Statewide Interoperable Radio Network; authorizing the Statewide Interoperability
9 Executive Committee to develop a recycling program for two-way telecommunications
10 equipment, exclusive of equipment handled by the Office of Technology, in an effort to
11 cleanse, reuse, redistribute, or sell such equipment; and directing that moneys received
12 from the sale of recycled equipment be placed in the Statewide Interoperable Radio
13 Network special revenue account.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. THE STATEWIDE INTEROPERABLE RADIO NETWORK.

§15-14-6. Duties of the Statewide Interoperability Executive Committee.

1 The Executive Committee shall:

2 (1) Monitor the implementation and operation of the SIRN;

3 (2) Establish goals and guidance for the betterment of the SIRN;

4 (3) Review and approve all requests for use of the SIRN and its equipment, by a public or
5 private entity;

6 (4) ~~Serve as the mechanism for developing, updating and implementing~~ Develop, update,
7 and implement policies, procedures, and guidelines related to the SIRN;

8 (5) Identify new technologies and develop technologies and standards for the SIRN;

9 (6) Enhance the coordination of all available resources for public safety communications
10 interoperability;

(7) Investigate all matters relating to integrity, foresight in funding and operations and planning for the SIRN;

(8) Revoke, suspend, or modify an entity's use of the SIRN and equipment connected to the SIRN;

(9) Provide guidance and services where feasible to support the proper cleansing of any decommissioned radio previously connected to SIRN;

(10) Develop a recycling program for two-way telecommunications equipment, other than any such equipment processed by the Office of Technology pursuant to §5A-6-1 et seq. of this code, in order to redistribute, reuse, or sell properly cleansed two-way telecommunications equipment from all state agencies.

§15-14-9. Creation of the Statewide Interoperable Radio Network account; purpose; funding; disbursements.

(a) There is hereby created in the State Treasury a special revenue account to be known as the "Statewide Interoperable Radio Network Account" to be administered by the director. The special revenue account shall consist of appropriations made by the Legislature; income derived from the lease of property, towers or tower space owned, operated or controlled by the WVDHSEM or any other state agency managed as part of the SIRN; moneys received by the Department of Health and Human Resources or WVDHSEM as proceeds of any claims for damages to structures, equipment or property of any kind, including moneys in the Insurance Property Loss Claims Fund administered by the Division of Health; income from the investment of moneys held in the special revenue account; grant money and all other sums available for deposit to the special revenue account from any source, public or private; and moneys received from the sale of recycled two-way telecommunications equipment pursuant to §15-14-6(10) of this code.

(b) Expenditures from the Statewide Interoperable Radio Network Account shall be for the purposes set forth in this article and used exclusively, to pay costs, fees and expenses incurred,

15 or to be incurred for the following purposes: (1) The maintenance, upkeep and repair of the SIRN;
16 (2) operations of the Executive Committee; (3) payment of salaries for the SWIC and any
17 personnel required to operate and maintain the SIRN; (4) the design, implementation and
18 management of the SIRN; (5) all other related SIRN activities approved by the Executive
19 Committee; and (6) all costs incurred in the administration of the Statewide Interoperable Radio
20 Network Account. Expenditures from the fund are not authorized from collections but are to be
21 made only in accordance with appropriation by the Legislature and in accordance with the
22 provisions of §12-3-1 *et seq.* of this code and upon fulfillment of the provisions of §11B-2-1 *et*
23 *seq.* of this code: *Provided*, That for the fiscal year ending June 30, 2018, expenditures are
24 authorized from collections rather than pursuant to appropriation by the Legislature.

25 (c) Disbursements from the Statewide Interoperable Radio Network Account shall be
26 authorized by the director or his or her designee. Moneys in the Statewide Interoperable Radio
27 Network Account are not available for the payment of any personal injury claims, workers'
28 compensation claims or other types of disability claims.

29 (d) Quarterly, the director shall prepare an accounting of all moneys disbursed from and
30 any deposits made to the Statewide Interoperable Radio Network Account. This accounting shall
31 include the reason for the withdraw, the recipients of any withdraw, and the source of any deposit.

NOTE: The purpose of this bill is to require that all state agencies submit two-way telecommunications, equipment not handled by the Office of Technology, to the Division of Emergency Management for cleansing, redistribution, reuse, or the sale of such radios. The bill would further place any funds received from the sale of such equipment into a special revenue account maintained by the Division.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.